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**Commonwealth of Massachusetts**

**Department of Revenue**

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# 2004 Massachusetts Corporation Excise Return **Form 355**

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Schedules and Instructions

## Completing Your Form 355

Please read this page carefully as it explains the correct method of completing your return.



**PRINT IN BLACK INK**

**FOR PRIVACY ACT NOTICE, SEE INSTRUCTIONS.**

**Form 355 Business or Manufacturing Corporation Excise Return 2004**

Ovals must be filled in completely. Example: ☒ If filing a calendar year return, leave blank. All others, enter appropriate dates below:

Tax year beginning (month-day-year) 120101

CORPORATION NAME  
A B C C O R P O R A T I O N

PRINCIPAL BUSINESS ADDRESS  
123 E V E R Y S T R E E T

PRINCIPAL BUSINESS ADDRESS IN MASSACHUSETTS (IF DIFFERENT)

Tax year ending (month-day-year) 120101

CITY/TOWN/POST OFFICE  
E V E R Y T O W N

CITY/TOWN/POST OFFICE

FEDERAL IDENTIFICATION NUMBER (FID)  
012345678

STATE ZIP + 4  
M A 0217 16341

STATE ZIP + 4

- 1 Is the corporation incorporated within Massachusetts? ☒ Yes ☐ No
- 2 Type of corporation (select one, if applicable; enclose Form F-2) ☐ Section 38 manufacturer ☐ Mutual fund service
- 3 Type of corporation (select one, if applicable) ☐ R&D ☐ Classified manufacturing ☒ RIC
- 4 Is the corporation participating in the filing of a U.S. consolidated return? ☐ Yes ☒ No
- 5 Is the corporation filing a Massachusetts combined return? (see instructions) ☐ Yes ☒ No
- 6 Does the corporation have a new Massachusetts address? ☐ Yes ☒ No
- 7 Is the corporation an insurance mutual fund holding corporation? ☐ Yes ☒ No
- 8 Is the corporation requesting alternative apportionment (enclose Form AA-1)? ☐ Yes ☒ No
- 9 Is this a final Massachusetts return? ☐ Yes ☒ No
- 10 Principal business code (from U.S. return) 10 876543
- 11 FID of parent corporation, if filing a consolidated federal return 11
- 12 Average number of employees in Massachusetts 12
- 13 Average number of employees worldwide 13
- 14 Date of charter in Massachusetts or first date of business in Massachusetts 14 120101
- 15 Last year audited by IRS 15
- 16 Have adjustments been reported to Massachusetts? ☐ Yes ☐ No
- 17 Is the corporation deducting intangible or interest expenses paid to a related entity? ☐ Yes ☒ No

An exact copy of U.S. Forms 1120 or 1120-A, including all applicable schedules and forms and any other documentation required to substantiate entries made on this return, must be made available to the Department of Revenue upon request. See instructions.

**SIGN HERE. Under penalties of perjury, I declare that to the best of my knowledge and belief this return and enclosures are true, correct and complete.**

Signature of appropriate officer (see instructions)	Date	Print paid preparer's name	Preparer's SSN or PTIN
<b>Michael Murray</b>	<b>2 / 1 / 05</b>		
Title		Paid preparer's phone ( )	Paid preparer's EIN
<b>President</b>			
Are you signing as an authorized delegate of the appropriate corporate officer? <input type="radio"/> Yes (enclose Form M-2848) <input checked="" type="radio"/> No		Paid preparer's signature	Date <input type="radio"/> Fill in if self-employed

Mail to: Massachusetts Department of Revenue, PO Box 7005, Boston, MA 02204.

BE SURE TO COMPLETE ALL EIGHT PAGES OF FORM 355. USE WHOLE DOLLAR METHOD.

- **Corporate Tax Year**

Enter the beginning and ending dates of the corporation's tax year if a fiscal filer. Calendar year filers, leave blank.


• **Federal Identification Number**

Enter the Federal Identification number of the corporation filing the return in the space provided.

### • Name and Address

Print in **black ink**. Enter the full name and address of the corporation as they appear on the federal return.

### • Filling in the Ovals

Make sure all ovals applicable to your filing situation are filled in completely, as shown: 

### Whole-Dollar Method

The whole-dollar method must be used. Round off, to the nearest dollar, all amounts on the return and on any schedules. When entering amounts, do not enter cents. For example, \$100.000 should be entered as:

		1	0	0	0	0	0
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### Filling in Dollar Amounts/Reporting Losses

When entering amounts on Form 355 and schedules, print your numbers in **black ink** as shown below. Be sure there is only one number per box. Numbers must be written completely within the boxes and should not touch them.

If you are reporting a loss in any line, mark over the "X" in the far left box for that line. Failure to do so will result in the loss being machine-read as a gain. Also, be sure to mark over the "X" boxes in the supporting schedules. **Do not** use parentheses or minus signs to indicate losses.

▼ If showing a loss, mark over X in box at left

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8

## Mailing Checks and Enclosing Forms

If you are making a payment, complete Form 355-PV, Payment Voucher, found on the bottom of this page. Staple your check or money order to the front of Form 355-PV and enclose with your return. Do not staple supporting schedules to the Form 355 as this will delay the processing of your return.

DETACH HERE

Form 355-PV Massachusetts Corporate Tax Payment Voucher			2004
Corporation name	Federal Identification number	Payment for the year ending:  <div> <div>MONTH</div> <div>DAY</div> <div>YEAR</div> </div>	
Street address	Check appropriate box: <input type="checkbox"/> Domestic corporation (0167) <input type="checkbox"/> Foreign corporation (0168)		
City/Town	State	Zip	Amount enclosed  \$



**Mail to: Massachusetts Department of Revenue, PO Box 7005, Boston MA 02204**

Make check payable to: Commonwealth of Massachusetts. Write your Federal Identification number on your check or money order. Attach check with a single staple to the front of Form 355-PV and enclose with your return.

DETACH HERE

This booklet contains Form 355 and most schedules needed to complete your Massachusetts corporation excise return. This booklet also includes an Application for Extension of Time to File, Form 355-7004.

## Major 2004 Tax Law Changes

In a continuing effort to take advantage of new technology as a tool to improve tax administration, business corporations, including security corporations, with more than \$100,000 in gross receipts or sales must transmit all returns, documents, extensions, and tax payments using electronic means as of January 1, 2005. Financial institutions, insurance companies, and utility corporations that meet the \$100,000 threshold must also make electronic payments, but will continue to file paper returns. See TIR 04-30 for a comprehensive statement of the electronic filing rules.

There are changes to the allocation and apportionment of income rules that apply to corporations and financial institutions. The changes provide for the allocation of certain non-apportionable income to Massachusetts when the income is realized by an in-state domiciliary corporation, and also treat a deemed sale of assets pursuant to Internal Revenue Code § 338 as resulting in receipts from the sale of assets for purposes of the sales factor apportionment provision. In addition, the rules restate and clarify the sales factor rules so that in the licensing of intangible property the "income-producing activity" will be deemed to be performed in Massachusetts to the extent that the intangible property is used in Massachusetts. See TIR 04-22.

One of the statutory changes is to eliminate the distinction in the net worth calculation between domestic and foreign corporations. The law had been interpreted as allowing corporations a choice of either of the former formulas, but the new statute creates a single formula for determining whether a corporation is a tangible property corporation or an intangible property corporation, and provides a single formula for determining the net worth of an intangible property corporation. See TIR 04-29.

There are several new provisions of law affecting manufacturing and research and development corporations. The law now states that both business corporations and LLCs that are taxed as corporations may qualify as manufacturing corporations or research and development corporations. Qualifying entities must be conducting manufacturing or research and development activities in Massachusetts. The requirements for

qualification as a research and development corporation have changed significantly, with qualification based on the levels of receipts or expenditures attributable to research and development activity in Massachusetts. For a detailed explanation of these requirements, see TIR 04-15.

A new provision applies to security corporations, effective for tax years that end on or after October 1, 2004, stating that qualified securities only include instruments that were initially acquired through a public exchange or another arms length secondary market. See TIR 04-21.

There is also a new provision clarifying that dividends received from a regulated investment company by a corporation or a financial institution are excluded from the definition of dividends eligible for the dividends received deduction. This applies whether the dividend is received directly or indirectly from a RIC. The rule with respect to REITs has also been clarified to apply to dividends received directly or indirectly from a REIT. See TIR 04-10.

The definition of "financial institution" subject to the financial institution excise now excludes a diversified savings and loan holding company as defined under federal law, unless the DSLHC satisfies another provision in the financial institution definition. See TIR 04-9.

There have also been changes to corporate excise credits. With respect to the Brownfields Credit, a recent act extends the time for incurring eligible costs that qualify for the credit by changing the environmental response action cut-off date from August 5, 2003 to August 5, 2005. Therefore, if all other requirements are met, both individual and corporate taxpayers that commence and diligently pursue an environmental response action prior to August 5, 2005 are eligible for the credit. See TIR 04-7. The Investment Tax Credit has been broadened to apply to regional business development corporations, and the rate of the credit for all eligible taxpayers has been made permanent at 3% of eligible costs incurred. See TIR 04-7.

## Who Must File and Pay Corporate Excise?

The purpose of the corporate excise is to require payment for the right granted by the laws of the Commonwealth to exist as a corporation and for the enjoyment under the protection of the Commonwealth's laws of the powers, rights, privileges and immunities derived by reason of the corporate form of existence and operation. The cor-

porate excise is due and payable when any of the following conditions are met:

- ▶ the corporation actually does business within the Commonwealth;
- ▶ the corporation exercises its charter within the Commonwealth;
- ▶ the corporation owns or uses any part of its capital, plant or other property in the Commonwealth; or
- ▶ the corporation owns and/or rents real or tangible personal property as a lessor in Massachusetts even without having a usual place of business here.

Corporations which must file and pay corporate excise include any corporation which:

- ▶ is organized under, or subject to, Chapters 156, 156A, 156B or 180 of Massachusetts General Laws (MGL); or
- ▶ has privileges, powers, rights or immunities not possessed by individuals or partnerships.

The following corporations are not obligated to file:

- ▶ corporations organized under the provision of Ch. 157, sec. 10; or
- ▶ corporations exempt from taxation under the provisions of IRC sec. 501.

## Which Form Should Be Filed?

Businesses which are incorporated under the laws of the Commonwealth or businesses doing business in Massachusetts but incorporated elsewhere should file Form 355.

A corporation organized in Massachusetts is eligible to use the simpler Form SBC if it met all of the following conditions during the taxable year:

- ▶ had gross receipts or sales, and total income under \$100,000;
- ▶ had 100% of its net income taxable in Massachusetts and was not subject to corporate tax in another state;
- ▶ was not a DISC, an S corporation or a security corporation;
- ▶ is not claiming any credits, special deductions or adjustments against its Massachusetts corporate excise; and
- ▶ does not own 50% or more of the voting stock of another corporation and did not have 50% or more of its voting stock owned by another corporation.

The Department of Revenue also has the following tax forms to meet the unique filing needs of combined filers, security corporations and S corporations.

Corporations which are incorporated under the laws of the Commonwealth or corporations doing business in Massachusetts but incorporated elsewhere which are participating in a combined report of their net income to Massachusetts must file Form 355C.

Corporations engaged exclusively in buying, selling, dealing in or holding securities on their own behalf and not as brokers must file Form 355SC.

S corporations which are incorporated under the laws of the Commonwealth or S corporations doing business in Massachusetts but incorporated elsewhere should file Form 355S.

Corporations amending an originally filed corporation excise return with respect to Federal Net Income should file Form CA-6, Application for Abatement/Amended Return.

**Note:** Under Massachusetts law, all corporations registered in the Commonwealth are required to file an Annual Report form with the Secretary of State on or before the 15th day of the third month after the close of their fiscal year. Annual Report forms can be obtained by calling (617) 727-9440. For further information on this requirement, call the Secretary of State's Corporate Information Line at (617) 727-9640.

## What Is Nexus for Massachusetts Corporate Excise Purposes?

A corporation that owns or uses any part of its capital or other property, exercises or continues its charter or is qualified to, or is actually doing business in Massachusetts has nexus with the Commonwealth and must pay a corporate excise. The term "doing business" as defined in MGL Ch. 63, sec. 39 includes:

- the maintenance of a place of business;
- the employment of labor;
- the buying, selling or procuring of services or property;
- the execution of contracts;
- the exercise or enforcement of contract rights; and
- each and every act, power, right, privilege, or immunity exercised or enjoyed in the Common-

wealth, as an incident to or by virtue of the powers and privileges acquired by the nature of such organizations, as well as, the buying, selling or procuring of services or property.

Public Law (PL) 86-272 excludes from state net income-based taxation those interstate activities constituting mere solicitation of orders for sales of tangible personal property filled by shipment or delivery from a point outside Massachusetts after orders are sent outside the state for approval or rejection (15 IRC sec. 381(a)).

The following are activities that ordinarily fall within the scope of "solicitation" under PL 86-272:

- activities including advertising related to generating retail demand for the products of a manufacturer or distributor by promoting the products to retailers who order the products from a wholesaler or other middleman;
- carrying samples only for display or for distribution without charge or other consideration;
- owning or furnishing automobiles to sales representatives, provided that the vehicles are used exclusively for solicitation purposes;
- passing inquiries and complaints on to the home office;
- incidental and minor advertising;
- checking customers' inventories for reorder only;
- maintaining a sample or display area for an aggregate of fourteen calendar days or less during the tax year, provided that no sales or other activities inconsistent with solicitation take place;
- soliciting of sales by an in-state resident representative who maintains no in-state sales office or place of business; and
- training or holding periodic meetings of sales representatives.

For further information on corporate nexus, refer to Regulation 830 CMR 63.39.1.

## What Are the Differences Between the Massachusetts Corporate Excise and the IRC?

Gross income for corporate excise purposes is the same as that defined under the IRC, as amended and in effect for the taxable year, with the following additions:

- interest from the bonds, notes and evidences of indebtedness of any state, including Massachusetts.

Net income is gross income less the deductions, but not the credits, allowable under the U.S. IRC. The following deductions, however, are not allowed:

- dividends received (See Schedule E-1 instructions); and
- taxes on or measured by income, franchise taxes measured by net income, franchise taxes for the privilege of doing business and capital stock taxes imposed by any state or U.S. territory.

The deduction for losses sustained in other taxable years is allowed subject to certain restrictions. See Schedule E-2 for further information.

**DOR and the IRS maintain an extensive exchange program, routinely sharing computer tapes and audit results. Discrepancies between income and deductions reported federally and on this return, except those allowed under state law, will be identified and may result in a state audit or further investigation.**

If the corporation is the parent of a wholly-owned DISC, the federal net income of the parent shall be reported to Massachusetts with no allocation of income, deductions, assets or liabilities made to the DISC. The DISC income, which must be included in the parent's return, must be for the same taxable year or the taxable year immediately following the close of the parent's taxable year. DISCs which are not wholly-owned, either directly or indirectly, are taxable as regular business corporations.

Massachusetts generally adopts the IRC treatment of transactions between FSCs and shareholder corporations. For additional information see 830 CMR 63.38G.2.

## Are There Special Tax Credits Available In Massachusetts?

Yes. Massachusetts offers several special credits and deductions to corporations.

Under MGL Ch. 63, sec. 32C, a corporation's credits may not offset more than 50% of its excise. Any credits not utilized as a result of this provision may be carried over for an unlimited number of years. This provision does not apply to the Research Credit, the Harbor Maintenance Tax Credit, Low-Income Housing Credit and the Full Employment Credit.

## Investment Tax Credit

Manufacturing corporations and corporations engaged primarily in research and development, agriculture or commercial fishing are allowed a credit of 3% of the cost of depreciable real and tangible property. Such property must have a useful life of four years or more or a recovery period of three years or more. The property must be used and located in Massachusetts on the last day of the taxable year. A corporation cannot take the credit on property which it leases to another. A corporation can take the credit on property which it leases from another (for property leased and placed in service on or after July 1, 1994). Generally, eligible corporate lessees making qualifying leasehold improvements may claim the credit. The credit may be claimed by completing Schedule H.

**Note:** Motor vehicles and trailers acquired on or after January 1, 1988 and subject to the motor vehicle excise do not qualify for the Investment Tax Credit.

A corporation may carry over to the next succeeding three years any unused portion of its Investment Tax Credit. This carryover may be taken by completing Schedule H.

## Vanpool Credit

Foreign and domestic corporations are allowed a credit of 30% of the cost incurred during the taxable year for the purchase or lease of company shuttle vans used in the Commonwealth as part of an employer-sponsored ridesharing program. The shuttle vans must be used for transporting employees and students from their homes, or public transportation facilities, to their places of employment or study.

To claim the Vanpool Credit, Schedule VP must be completed. This credit is reconciled with your other credits on Schedule H and claimed in line 8 of the excise calculation.

## Solar or Wind Power Deduction

A deduction is allowed for expenditures paid or incurred during the year for solar or wind power climate control or water heating units. Expenditures for ancillary units are not allowed. The equipment must be certified by the Office of Facilities Management, Division of Capital Planning, (617) 727-4030.

This deduction should be taken in line 24 of Schedule E.

## Economic Opportunity Area Credit

A credit of 5% of the cost of qualifying property purchased for business use within an Economic Opportunity Area (EOA) is available to businesses. To qualify for the EOA credit, the property must be eligible for the 3% ITC and used exclu-

sively in a certified project in an EOA. However, a 3% ITC and 5% EOA credit cannot be claimed with respect to the same property. A certified project is a project that has been approved by the Economic Assistance Coordinating Council (EACC). Any business that participates in a certified project located in an EOA, is eligible to take the credit.

The 5% EOA credit cannot offset more than 50% of the excise due nor reduce the excise below the minimum tax. Any unused credit may be carried forward for ten years.

To claim the credit, Schedule EOAC must be completed. This credit is reconciled with your other credits on Schedule H and claimed in line 6 of the excise calculation.

## Research Credit

A deduction is allowed for corporations which have incurred basic research payments and/or qualified research expenses for research conducted in Massachusetts during the taxable year. A corporation taking the research credit is allowed to deduct from excise:

- 100% of the first \$25,000 of excise; and
- 75% of any amount of excise remaining after the first \$25,000.

The credit is available for expenses incurred on or after January 1, 1991.

The deduction allowed to a corporation for any expenses which qualify for the credit must be reduced by the amount of the credit claimed for the taxable year.

Any corporation which is a member of a combined group may share excess research credits with other members of the combined group. Corporations which are members of a controlled group or which are under common control with any trade or business (whether or not incorporated) are treated as a single taxpayer for purposes of determining the allowable Research Credit.

See Schedule RC or Schedule RC-A instructions for further information. To claim the Research Credit, Schedule RC or Schedule RC-A must be completed and the amount entered in line 10 of the excise calculation.

## Harbor Maintenance Tax Credit

Corporations are allowed a credit against the corporate excise for certain harbor maintenance taxes paid to the U.S. Customs Service pursuant to IRC sec. 4461. A corporation is eligible for the credit if the tax paid is attributable to the shipment of break-bulk or containerized cargo by sea and ocean-going vessels through a Massachusetts harbor facility.

The credit is not subject to the 50% limitation; however, it may not reduce the tax to less than the minimum excise of \$456. A taxpayer may carryover any excess credit to any of the next succeeding five taxable years.

See Schedule HM instructions for further information. To claim the Harbor Maintenance Tax Credit, Schedule HM must be completed and the amount entered in line 11 of the excise calculation.

## Full Employment Credit

Corporations who participate in the Full Employment Program and continue to employ a participant for at least one full month after any Full Employment Program subsidy has expired may claim the Full Employment Credit. A qualified employer may claim a credit equal to \$100 per month of eligible employment per participant with a maximum credit of \$1,200 per participant. Qualified participants and employers are those who participate in the Full Employment Program under the rules of the Department of Transitional Assistance.

The credit is not subject to the 50% limitation; however, it may not reduce the tax to less than the minimum excise of \$456. A taxpayer may carryover any excess credit to any of the next succeeding five taxable years.

See Schedule FEC instructions for further information. To claim the Full Employment Credit, Schedule FEC must be completed and the amount of the credit entered in line 12 of the excise calculation.

## Brownfields Tax Credit

Taxpayers are allowed a credit for amounts expended to rehabilitate contaminated property owned or leased for business purposes and located within an economically distressed area.

The Brownfields credit cannot offset more than 50% of the excise due nor reduce the excise below the minimum tax. Any unused credit may be carried forward for five years.

See Schedule BC instructions for further information. To claim the Brownfields Credit, Schedule BC must be completed. The amount of the credit is entered in line 13 of the excise calculation.

## Low-Income Housing Credit

This credit is administered through the Massachusetts Department of Housing and Community Development (DHCD). The low-income housing credit is available to taxpayers that claim a federal credit for the construction or development of low-income housing. The state credit is taken over five years, and the amount of credit a taxpayer may claim for a qualified Massachusetts



project is allocated by the DHCD, and is based on a total pool of money awarded to the Commonwealth. In order to claim the credit, a copy of the eligibility statement issued by DHCD must be available upon request.

For further information regarding this credit, contact the Department of Housing and Community Development, Division of Private Housing, at (617) 727-7824.

## Are Combined Returns Allowed?

Yes. If two or more corporations, either domestic or foreign, participate in filing a consolidated return to the U.S. government, they may elect to file a combined return of their net income in Massachusetts.

For more information, refer to 830 CMR 63.32B.1 and Massachusetts Combined Corporation Excise Return, Form 355C.

## What If a Corporation's Taxable Year Is Less Than 12 Months?

Corporations whose taxable year is less than twelve calendar months may determine their excise by prorating calendar months for the non-income measure of the excise only. Schedules should be available to explain any prorating computations.

A corporation may never pay less than the \$456 minimum excise on a return, and this amount can never be prorated as Massachusetts law makes no provision for the proration of the minimum excise.

## When Are Returns Due?

Corporate excise returns, together with payment in full of any tax due, must be filed on or before the 15th day of the third month after the close of the taxable year, calendar or fiscal.

An extension of time for filing returns will be granted for reasonable cause upon request. In order to request an extension, a corporation must file Form 355-7004 on or before the normal due date of the return and pay in full the estimated tax due.

**Note:** An extension of time to file is not valid if the corporation fails to pay at least 50% of the total tax liability or the minimum tax of \$456, whichever is greater, through estimated payments or with Form 355-7004.

Any tax not paid on or before the due date — without regard to the extension — shall be subject to an interest charge.

## What is a Proper Return?

A proper return is a return upon which all required amounts have been entered in all appropriate lines on all forms. Data sheets, account forms or other schedules must be available to explain amounts entered on the forms. Referencing lines to enclosures in lieu of entering amounts onto the return is not sufficient.

An exact copy of U.S. Forms 1120 or 1120-A, including all applicable schedules and forms and any other documentation required to substantiate entries made on this return, must be made available to the Department of Revenue upon request.

## Should the Corporation Be Making Estimated Tax Payments?

All corporations which reasonably estimate their corporate excise to be in excess of \$1,000 for the taxable year are required to make estimated tax payments to the Commonwealth. Corporations making estimated payments must use Form 355-ES to make their payments. Estimated taxes may be paid in full on or before the 15th day of the third month of the corporation's taxable year or in four installment payments according to the schedule below.

- ▶ 40% of the estimated tax due for the year is due on the 15<sup>th</sup> day of the 3rd month of the taxable year;
- ▶ 25% of the estimated tax due for the year is due on the 15<sup>th</sup> day of the 6th month of the taxable year;
- ▶ 25% of the estimated tax due for the year is due on the 15<sup>th</sup> day of the 9th month of the taxable year;

▶ 10% of the estimated tax due for the year is due on the 15<sup>th</sup> day of the 12th month of the taxable year.

**Note:** New corporations in their first full taxable year with less than 10 employees have different estimated payment percentages — 30%, 25%, 25% and 20% respectively.

Special Optical Character Readable payment vouchers are mailed to all corporations which have made estimated payments or should be making estimated payments.

To avoid a possible underpayment penalty on its taxes, a corporation should, when filing its first voucher on Form 355-ES, estimate its tax to be at least equal to the prior year's tax. If the prior year's tax was the minimum tax, the corporation should make a payment or payments equal to the minimum tax to safeguard against a possible underpayment penalty.

**Note:** Any corporation having \$1 million or more of federal taxable income in any of its three preceding taxable years (as defined in IRC sec. 6655(g)) may only use its prior year tax liability to calculate its first quarterly estimated tax payment. Any reduction in the first installment payment that results from using this method must be added to its second installment payment.

For more information on corporate estimated taxes, refer to 830 CMR 63B.2.2, and MGL Ch. 63B.

## Registration Information

### Line 2

A corporation is a section 38 manufacturer for any taxable year if it is engaged in manufacturing during the taxable year and its manufacturing activity during the taxable year is substantial. This applies whether the corporation is a domestic manufacturing corporation under MGL Ch. 63, sec. 38C or a foreign manufacturing corporation under MGL Ch. 63, sec. 42B, and regardless of whether the corporation is classified as a manufacturing corporation under MGL Ch. 58, sec. 2 and Massachusetts Regulation 830 CMR 63.58.2.1.

The apportionment factor for corporations engaged in substantial manufacturing (section 38 manufacturers) is 100% of sales.

A corporation's manufacturing activity is substantial for any taxable year if the corporation meets any of the following tests:

- ▶ The corporation derives twenty-five percent or more of its receipts for the taxable year from the

sale of manufactured goods that the corporation manufactures; or

■ The corporation pays twenty-five percent or more of its payroll for the taxable year to employees working in manufacturing operations and derives fifteen percent or more of its receipts for the taxable year from the sale of manufactured goods that the corporation manufactures; or

■ The corporation uses twenty-five percent or more of its tangible property in manufacturing during the taxable year and derives fifteen percent or more of its receipts for the taxable year from the sale of manufactured goods that the corporation manufactures; or

■ The corporation uses thirty-five percent or more of its tangible property in manufacturing during the taxable year.

Effective January 1, 1997, mutual fund service corporations are required to attribute their mutual fund sales to Massachusetts based on the domicile of the shareholders in the fund. Effective July 1, 1997 mutual fund service corporations are allowed to apportion their net income from mutual fund sales based solely on their sales factor. However, in order to use the single sales factor apportionment method a mutual fund service corporation must increase its workforce in Massachusetts by 5% a year for five years based on the 1996 employment level unless adverse economic conditions exist. Taxable net income not derived from mutual fund sales is apportioned according to the statutory three factor method.

A corporation is a mutual fund service corporation if it derives more than fifty percent of its gross income from providing, directly or indirectly, management, distribution or administration services to or on behalf of a regulated investment company, and from trustees, sponsors and participants of employee benefit plans which have accounts in a regulated investment company.

The Department has issued further guidance on apportionment for mutual fund service corporations; see Massachusetts Regulation 830 CMR 63.38.7.

If a corporation is qualified as a section 38 manufacturer or is a mutual fund service corporation, check the applicable box and complete Schedule F, Income Apportionment, accordingly. Section 38 manufacturers and mutual fund service corporations must also complete and enclose Form F-2. Form F-2 is available at [www.mass.gov/dor](http://www.mass.gov/dor) or any Department of Revenue location.

The Department has issued further guidance on apportionment; see Massachusetts Regulation 830 CMR 63.38.1.

### Line 3

A domestic business qualifies as an R & D corporation only if: its principal activity is research and development; more than 3/4 of its total receipts for the taxable year are derived from research and development; and more than 1/3 of its receipts for the taxable year are derived from the research and development of tangible personal property capable of being manufactured in the Commonwealth.

A foreign business qualifies as an R & D corporation only if: its principal activity is research and development; more than 3/4 of its total receipts assignable to Massachusetts (for the taxable year) are derived from research and development; and more than 1/3 of its receipts assignable to Massachusetts (for the taxable year) are derived from the research and development of tangible personal property capable of being manufactured in Massachusetts.

If you are a classified manufacturer, you must have filed Form 355Q and had your manufacturing status approved by the commissioner.

A Regulated Investment Company (RIC) must file an informational return and may do so by filing Form 355 or 355SC. The Excise, Balance Due and Refund lines should be left blank and "RIC-Informational Return" must be written across the front of the return.

### Line 5

If line 5 is "Yes" **do not file this form**. Corporations filing a combined Massachusetts return must file Form 355C.

### Line 7

Domestic and foreign insurance mutual holding companies are subject to the corporate excise as business corporations but are not required to pay the portion of tax based on the value of their tangible property or net worth (i.e., the non-income measure of the excise). The corporate excise tax for an insurance mutual holding company is the greater of 9.5 percent of its net Massachusetts income in Massachusetts or the minimum excise tax of \$456.

### Line 8

If the corporation is requesting alternative apportionment under MGL Ch. 63, sec. 42, answer yes in line 8 and enclose Form AA-1. The return and Schedule F must be completed and the tax must be paid according to the statutory three-factor formula. However, alternative treatment may be requested and a refund will be issued if such treatment is granted by the Commissioner of Revenue. For further information on alternative apportionment see MGL Ch. 63, sec. 42 or 830 CMR 63.42.1.

### Line 9

Any corporation undergoing a voluntary dissolution should notify the DOR within 30 days of the vote to dissolve by writing to: Massachusetts Department of Revenue, Customer Service Bureau, PO Box 7010, Boston, MA 02204 or by calling (617) 887-MDOR.

### Line 15

If your corporation has undergone a federal audit for some prior year, you must report any changes to Massachusetts on Form CA-6, Application for Abatement/Amended Return. You must report any federal audit changes within three months after the final determination of the correct taxable income by the IRS. Otherwise, you will be subject to a penalty. Answering line 15 does not relieve the corporation from this filing obligation.

### Line 17

If the corporation is deducting intangible or interest expenses, answer yes. Complete Schedule ABI, Exceptions to the Add Back of Interest Expense, and/or Schedule ABIE, Exceptions to the Add Back of Intangible Expenses to claim the deduction.

## Excise Calculation

In order to complete the excise calculation, all appropriate schedules must be filled out first. Therefore, schedule instructions precede the instructions for the excise calculation section. Use the whole dollar method.

## Schedule A. Balance Sheet

Enter the closing amounts for the taxable year covered by this return. Once the corporation's balance sheet is completed, it will be easier to complete subsequent schedules.

### Line 1a

Enter here the book value of all buildings. A portion of the cost attributable to buildings under construction and reported on the corporation's books as construction in progress (CIP) is considered real estate for purposes of the property measure of the corporate excise and must be reported in line 1a. Enter 100% of the corporation's real estate CIP costs, less 15% of the **current year's** accumulation.

### Line 1j

The value of any certified solar/wind units for which a deduction is claimed this year should be entered here. Amounts of certified industrial

waste and/or air pollution treatment facilities and certified solar/wind deductions claimed in any prior year should be included. In order to be eligible for this deduction, property must be certified by the appropriate state agencies and copies of such certificates must be available upon request. See instructions for Schedule E, line 24.

### Line 1k

Enter here the value of all tangible property reported on the corporation's books as CIP. In addition, enter here 15% of the **current year's** real estate CIP accumulation. For further information, see Department of Revenue Directive 02-11.

### Line 2b

Enter here the value of inventory that is exempt from the tangible property measure of the excise. An example of exempt inventory is merchandise of foreign origin imported and immediately placed in a federally bonded warehouse. Merchandise of domestic origin is not exempt from the tangible property measure of the excise. A schedule listing the components of any entry in line 2b must be available upon request.

### Line 12

In order to be a subsidiary, the parent must own at least 80% or more of the voting stock of a corporation in accordance with IRC sec. 1504. Include investments in capital stock. Advances should include payments in the nature of capital contributions. Do not include loans or other receivables.

### Line 12a

Enter in line 12a the total of capital stock and equity contributions subsidiary corporations 80% or more owned. If an amount other than "0" is entered in line 12a, Schedule A-1, Investments in Subsidiaries, must be completed.

### Line 12b

Enter in line 12b the value of capital stock investments with less than 80% ownership and also any other investment entity such as a partnership.

### Line 14

If the reserve for bad debt exceeds 2% of accounts receivable, a complete explanation to enable a review and determination of the proper amount allowable must be available upon request.

### Line 15

Enter the amount from Schedule A-2, Intercompany Receivables, line 29.

### Line 17

Enter here the value of any assets not included in lines 1 through 16. Examples include, but are not limited to, goodwill and company patents.

### Line 19a

Enter the value of mortgages on Massachusetts real estate, motor vehicles, machinery owned by a corporation which is not classified as a manufacturing corporation, and other tangible personal property located in Massachusetts and subject to local taxation. Mortgages do not include conditional sales, pledges or other types of security interest.

### Line 22

Enter the amount from Schedule A-3, Intercompany Payables, line 29.

## Schedules B, C and D. Tangible or Intangible Classification and Calculation of Non-Income Measure

Schedules B, C and D are used to calculate the non-income measure of the Massachusetts corporate excise. Schedule B is used to determine whether a corporation is a tangible or intangible property corporation. Once determined, tangible property corporations must complete Schedule C (and omit Schedule D) and intangible property corporations must complete Schedule D (and omit Schedule C). Net book values should be used in completing all schedules.

### Schedule B

Schedule B is used to calculate whether a corporation is a tangible or intangible property corporation. Beginning in 2004, taxpayers no longer have the option of calculating the non-income measure as a domestic or foreign corporation. To reflect this legislative change, both Schedule B and D have been reduced in length. If line 15 is 10% or greater, complete Schedule C. If line 15 is less than 10%, complete Schedule D.

### Schedule C

If Schedule B, line 15 is 10% or greater, the corporation must complete Schedule C using net book values to determine the non-income measure of the excise. Omit Schedule D.

### Schedule D

Schedule D is used by a corporation to calculate its non-income measure excise on the basis of net worth. If line 15 of Schedule B is less than 10%, complete this schedule. Corporations are allowed to deduct the value of investments in, and advances to, Massachusetts and foreign subsidiaries. To be a subsidiary, the parent must own 80% or more of the voting stock of the corporation in accordance with IRC sec. 1504.

## Schedule E-1. Dividends Deduction

Massachusetts corporate excise law does not allow the dividends received deduction allowed under the IRC. However, a deduction is allowed for 95% of the value of all dividends received except:

- ▶ dividends from ownership of shares in a corporate trust engaged in business in the Commonwealth;
- ▶ dividends resulting from deemed or actual distributions (except actual distributions of previously taxed income) from a DISC which is not wholly-owned; or
- ▶ dividends from any class of stock if the corporation owns less than 15% of the voting stock of the payer corporation.

A schedule showing payers, amounts and percent of voting stock owned by class of stock must be available upon request.

## Schedule E. Taxable Income

Mutual fund service corporations eligible to apportion their income under MGL Ch. 63, sec. 38 (m) must complete two separate copies of Schedule E: (1) for income derived from mutual fund sales; and (2) for non-mutual fund sales income, if any. Taxable net income from mutual fund sales is gross income from mutual fund sales less: (1) any deductions directly traceable to its mutual fund sales; and (2) a portion of other allowable deductions. Other allowable deductions consist of deductions not directly traceable to mutual fund sales or non-mutual fund sales. To determine the deductible amount of its other allowable deductions a mutual fund service corporation must multiply the total amount of its other allowable deductions by a fraction, the numerator of which is the mutual fund service corporation's gross income derived from mutual fund sales for the taxable year and the denominator of which is



the mutual fund service corporation's total gross income for the taxable year. Taxable net income from non-mutual fund sales consists of any taxable net income not derived from mutual fund sales.

If a corporation is not a mutual fund service corporation, 100% of sales, profits, and income should be entered in lines 1 through 12. If the corporation has income from business activities which is taxable both in Massachusetts and any other state, Schedule F should be completed and the apportionment percentage entered in line 21.

### Line 4

Enter federal taxable income before deducting net operating loss or other special deductions. If the corporation is the parent of a DISC, income should be reported with no allocation to the DISC.

### Line 5

Enter any allowable U.S. Wage Credit used in calculating U.S. Form 1120, line 13.

### Line 7

Enter all interest received on state and municipal obligations not reported in federal net income.

### Line 8

Massachusetts does not allow a deduction for state, local and foreign income, franchise, excise or capital stock taxes. Any such taxes which have been deducted from federal net income should be entered in line 8 and added back into income.

### Line 9

For Massachusetts purposes, for taxable years ending after September 10, 2001, depreciation is to be claimed on all assets, regardless of when they are placed in service, using the method used for federal income tax purposes prior to the enactment of sec. 168(k). For more information, see TIR 02-11.

### Line 10

A taxpayer must add back to net income any related member intangible expenses and costs, including losses incurred in connection with factoring or discounting transactions. If you qualify for an exception to the add back requirement, complete Schedule ABIE. For further information, see TIR 03-19

### Line 11

A taxpayer must add back to income any related member interest expenses and costs, including losses incurred in connection with factoring or discounting transactions. If you qualify for an exception to the add back requirement, complete Schedule ABI. For further information, see TIR 03-19.

### Line 12

Enter any adjustments to income not previously reported. For example, enter in this line the amount of depreciation or amortization taken this year in computing federal net income for the following:

- ▶ certified industrial waste and/or pollution treatment facilities of prior years; or
- ▶ certified solar/wind units of current or prior years, if said facilities were sold during the year. (See MGL Ch. 63, sec. 38D(d) and sec. 38H(e) for further explanation.)

Capital gains on installment sales of intangible property made prior to 1963 may also be deducted from income. These gains fall under the provisions of prior Massachusetts law when such income was not taxable (see MGL Ch. 63, sec. 38(a)(2)). This adjustment should be made in line 8.

Deduct the full federal research credit generated provided that the full federal research credit was taken. If a reduced federal research credit was taken, no adjustments are necessary.

In the "Total tentative research credit" line of Schedule RC, add back the full Massachusetts research credit generated.

The deduction allowed to a corporation for any expense which qualifies for the Massachusetts Research Credit must be reduced by the Massachusetts Research Credit determined in the current taxable year. In addition, subsection (c) of IRC sec. 280C, which requires a similar reduction of the deduction, shall not apply in determining Massachusetts net income.

Capital loss carryovers are not allowed under Massachusetts law. Any loss claimed on the federal return must be added back here.

If the corporation has income not subject to apportionment, the amount should be deducted here and entered on Schedule E, line 23.

### Line 14

Enter the total cost of renovating an abandoned building in an Economic Opportunity Area. Multiply this amount by 10% and enter here.

### Line 15

Refer to Schedule E-1 for the allowable deductions for dividends. Dividends from a Massachusetts corporate trust, a non-wholly-owned DISC or a corporation of which less than 15% of the voting stock is owned are not deductible.

### Line 18

If a loss, skip to line 25 and enter the result.

### Line 19

Massachusetts allows two different loss carry-over deductions. **A corporation may take only one of these deductions.** A complete schedule of federal loss carryback and carryforward computations must be available.

### Line 21

If the corporation conducts business activities in another state sufficient to give that state the jurisdiction to tax the corporation, Schedule F should be completed in order to determine the apportionment percentage. If all business is conducted in Massachusetts, 100% (1.00) should be entered in line 21.

### Line 24

A deduction is allowed for expenditures paid or incurred during the taxable year for the installation of any solar or wind powered climate control or water heating unit. Ancillary units do not qualify.

In order to be eligible for this deduction, the property must be certified by the Office of Facilities Management. A copy of such certification must be available along with a schedule itemizing the:

- ▶ cost;
- ▶ allowable federal depreciation;
- ▶ date of installation; and
- ▶ place of installation.

If these amounts are prorated, the computation should be explained.

If eligible units do not continue in qualified use for ten years, the deductions previously allowed must be added back to taxable income. The amount should be entered in Schedule E, line 12.

**Note:** The special deduction for the construction of certified industrial waste and/or air pollution treatment facilities does not apply to expenditures paid or incurred on or after January 1, 1980.

### Line 25

If the amount in line 18 is a loss, enter that amount. Otherwise, subtract line 24 from the total of lines 22 and 23 and enter the result.

## Corporate Disclosure Schedule

Massachusetts law requires all corporations to complete lines 1 through 5 on this schedule.

## Schedule E-2. Loss Carryover Deduction

Massachusetts allows two different loss carryover deductions. **A corporation may take only one of these deductions.** If the corporation qualifies to take either deduction, the choice between the deductions is left to the corporation's discretion.

### Part 1

Massachusetts law allows a loss carryover deduction for all corporations, regardless of how long the corporation has been in existence. Corporations will be allowed to carryover for no more than five years (but not carry back) net operating losses (NOL) as defined in I.R.C. sec. 172.

### Part 2

Massachusetts law also allows a carryover deduction for losses, as determined under I.R.C. sec. 172, incurred during the first five years of a corporation's existence. The following limitations are placed upon this deduction:

- ▶ Carryover losses are not allowed to corporations where 50% or more of the voting stock is owned by another corporation (whether or not the owning corporation is taxable in Massachusetts);
- ▶ Losses of a foreign corporation incurred before becoming subject to Massachusetts corporate excise liability are not allowed; and
- ▶ The deduction can be taken only within the initial five-year period.

**Note:** A corporation may switch between the two NOL deductions from one taxable year to another. If the corporation switches from the General NOL to the New Corporation NOL, any unexpired General NOL carryover may be added to the available loss for the New Corporation NOL. See the Net Operating Loss Deductions and Carryovers Regulation, 830 CMR 63.30.2(3)(c) for further information.

## Schedule F. Income Apportionment

Mutual fund service corporations should complete a Schedule F for income from mutual fund sales if they made mutual fund sales to RIC's with shareholders domiciled outside of Massachusetts. Schedule F should be completed by all other corporations (including mutual fund service corporations reporting non-mutual fund sales) which have income from business activities which is taxable both in Massachusetts and in

any other state. Income is considered taxable if the other state has the jurisdiction, whether exercised or not, to subject the corporation to a corporate, franchise, privilege, or net income tax. See the Massachusetts Apportionment of Income regulation, 830 CMR 63.38.1.

**Note:** If alternative apportionment is being requested under MGL Ch. 63, sec. 42, you must still complete and file Schedule F. Also, answer yes in line 8 of Form 355, and enclose Form AA-1. A refund will be issued if alternative apportionment is granted by the Commissioner. For further information on alternative apportionment see the Massachusetts Alternate Apportionment regulation, 830 CMR 63.42.1.

For further information about corporations that hold partnership interests and the appropriate method to use to apportion partnership income, see 830 CMR 63.38.1 sections 4(d) and 11.

Corporations engaged in substantial manufacturing (Section 38 manufacturers) are required to apportion their net income based on sales factor only.

Corporations other than Section 38 manufacturers or mutual fund service corporations are required to apportion their net income as follows: sales factor equals 50%, property factor equals 25%, payroll factor equals 25%.

To determine if a corporation qualifies as a Section 38 manufacturer or mutual fund service corporation, see instructions for the registration section: line 2 of Form 355, 355C or 355S.

If a corporation is a Section 38 manufacturer or mutual fund service corporation, fill in the applicable oval. If a corporation is not a Section 38 manufacturer or a mutual fund service corporation, fill in the oval for "Other."

Mutual fund service corporations must complete a Schedule F based on mutual fund sales and a separate Schedule F based on non-mutual fund sales, if any. The Department plans to issue further guidance on apportionment for mutual fund service corporations; see Massachusetts Regulation 830 CMR 63.38.7.

Corporations must complete all lines, regardless of apportionment method used. Make certain that complete information is entered for all apportionment factors. A return which is incomplete will be considered insufficient.

## Line Instructions

### 1. Property Factor

#### Line 1a

For tax purposes, average value is based on original cost and is determined by averaging the

property values at the beginning and end of the taxable year. If substantial changes occur during the taxable year, the Commissioner may require monthly averaging to properly reflect the average value of the property. For purposes of the property factor, a taxpayer may elect to use any reasonable method for attributing its mobile property to Massachusetts. The election is made by filing a return that employs the chosen method for the first tax year ending on or after August 11, 1995, in which the taxpayer owns or rents mobile property and apportions income to Massachusetts. The taxpayer must make available a statement describing the method chosen and must use the same method consistently from year to year. For further information, including safe harbor methods, see 830 CMR 63.38.1 sec. 7(d).

Construction in progress is generally excluded from the property factor; see 830 CMR 63.38.1 sec. 7(a). For the property factor, inventory in transit is deemed to be at its destination; see 830 CMR 63.38.1 sec. 7(c).

#### Line 1b

Property rented by the corporation is valued at eight times the annual net rental rate paid less any sub-rentals received.

## 2. Payroll Factor

#### Line 2a

Enter the total amount of wages, salaries, commissions, or any other compensation paid to employees. An employee's compensation is apportioned to Massachusetts, if **any** of the following apply:

- ▶ the employee's service is performed within Massachusetts;
- ▶ the employee's service is performed both in Massachusetts and in other state(s), but the non-Massachusetts service is secondary to the Massachusetts service;
- ▶ part of the employee's service is performed in Massachusetts, and the service is controlled from a location in Massachusetts.;
- ▶ part of the employee's service is performed in Massachusetts, and the location of the service is not in a state in which some part of the service is performed, but the employee lives in Massachusetts.

The total amount paid for compensation is computed on the cash basis, as reported for unemployment purposes. A taxpayer that uses the accrual method of accounting in computing its taxable net income may elect to use the accrual method in determining the total amount of compensation paid in Massachusetts during the taxable year. For further information on how to elect

the accrual method see 830 CMR 63.38.1 sec. 8(a).

### 3. Sales Factor

For sales factors, enter all gross receipts of the corporation with the exception of those receipts from interest, dividends and the sale or other disposition of securities.

#### Line 3a

Sales of tangible personal property are assignable to Massachusetts if:

- ▶ the property is delivered or shipped to any buyer, including the U.S. Government, in Massachusetts; or
- ▶ the selling corporation is not taxable in the state of the buyer and the property is not sold by an agent or agencies chiefly situated at, connected with, or sent out from premises for the transaction of business owned or rented by the corporation outside Massachusetts. A buyer for this item includes the U.S. Government.

Sales of tangible personal property are **not** assignable to Massachusetts if:

- ▶ the property is shipped or delivered to a buyer in a foreign country; or
- ▶ the property is sold to any branch or instrumentality of the U.S. Government for resale to a foreign government.

#### Line 3b

Sales of services, other than mutual fund sales or other intangibles, are assigned to Massachusetts if the income producing activity is performed in Massachusetts, or if a greater portion of the activity, based on performance cost, occurs in Massachusetts than in any other state.

Mutual fund sales are assigned to Massachusetts as follows:

- ▶ mutual fund sales are determined separately for each RIC from which the mutual fund service corporation receives fees for mutual fund services;
- ▶ the mutual fund sales for each RIC are multiplied by a fraction, the numerator of which is the average number of shares owned by the RIC's shareholders domiciled in Massachusetts at the beginning and end of the RIC's taxable year that ends within the mutual fund service corporation's taxable year, and the denominator of which is the average number of shares owned by all of the RIC's shareholders for the same period; and
- ▶ the resulting amounts are totaled for all RICs.

#### Line 3c

Rents from property located or used in Massachusetts are assigned to Massachusetts. Royal-

ties are assigned to the state in which the property right is actually used by the lessee.

If using a three-factor apportionment formula, and one or more factors are inapplicable the following shall apply:

- ▶ In cases where only two of the three apportionment factors (property, payroll, sales) are applicable, the taxable net income is apportioned by a fraction, the numerator of which is the remaining two factors with their respective weights and the denominator of which is the number of times that such factors are used in the numerator.
- ▶ In cases where only one of the three apportionment factors (property, payroll, sales) is applicable, the taxable net income is apportioned solely by that factor with its respective weight, and the denominator is the number of times the factor is used in the numerator.

**Note:** An apportionment factor should not necessarily be considered inapplicable if its Massachusetts total (lines 1c, 2a or 3e) is zero.

If you are claiming an exception on Schedule ABI or ABIE, do the following to see if a factor applies. Complete Schedule E through line 20 without reference to the add back exception but less the amount of deductible and intangible expense stated in line 1 of the respective Schedule ABI or ABIE.

If any of the apportionment totals for "Worldwide" (lines 1c, 2a or 3e) are less than 3.33% of Schedule E, line 20, **do not** include that factor in your Massachusetts apportionment percentage.

## Schedule H. Investment Tax Credit and Carryovers

The Investment Tax Credit equals 3% of the cost or other federal basis of qualifying property less any U.S. Investment Tax Credit taken on such property (including any amount of federal credit on the property which is carried to another year, see TIR 87-2). To qualify for the credit, the property must be tangible personal property, buildings or structural components of buildings; and it must have been acquired, constructed, reconstructed, or erected during the taxable year. The property must also (a) be depreciable, (b) have been acquired by purchase pursuant to IRC sec. 179(d), (c) have a useful life of four years or more or a recovery period of three years or more, (d) be used in Massachusetts and (e) be situated in Massachusetts on the last day of the taxable year.

A corporation cannot take the credit on property it leases to another. A corporation can take the credit on property it leases from another (for property leased and placed in service on or after July 1, 1994). Generally, eligible corporation lessees making qualifying leasehold improvements may claim the credit.

### Line 1

To be eligible for the credit, a corporation must be (a) engaged in manufacturing during the taxable year, or primarily engaged in (b) agriculture, (c) commercial fishing, or (d) research and development. A corporation qualifies under (d) only if its principal activity is research and development and more than  $\frac{2}{3}$  of its total receipts for the taxable year (or  $\frac{1}{3}$  of receipts assignable to Massachusetts if a foreign corporation) are derived from research and development, and more than  $\frac{1}{3}$  of its receipts for the taxable year (or  $\frac{1}{3}$  of receipts assignable to Massachusetts if a foreign corporation) are derived from the research and development of tangible personal property capable of being manufactured in Massachusetts.

### Lines 2 through 8

Useful life of property is the same for Massachusetts purposes as for federal tax purposes.

For leased property the credit is based on the lessor's adjusted basis in the leased property (determined at the beginning of the lease term) multiplied by a fraction, the numerator of which is the number of days of the taxable year during which the lessor leases the property and the denominator of which is the number of days in the useful life of the property. Useful life is the period over which the lessor depreciates the leased property for federal tax purposes.

If property qualifying for the Investment Tax Credit is disposed of or ceases to be in qualified use during the year of purchase, the credit allowed is 3% of the federal basis of the property (less any U.S. Investment Tax Credit taken) multiplied by the number of months of qualified use divided by the total number of months of useful life.

**Note:** Corporations are required to submit a separate statement explaining the job opportunities created by the Investment Tax Credit. The statement must include both the number of new jobs created and/or existing jobs protected by the new investment. Include on the statement any other information considered to be pertinent to employment in Massachusetts.

### Lines 9 through 28

Use this section to calculate (a) the number of credits available in the current year, (b) the total number of credits which may be used in the current year to offset the excise — including the

order in which the various types of credits are to be used, and (c) the number and status (limited or unlimited life) of credits that may be carried to subsequent years.

When completing lines 11 through 28, complete all line a entries first. Next, complete all line b entries, followed by line c entries, line d entries, and line e entries, where applicable.

### Line a

In lines 11a through 27a, enter in each line a the amount of available credit from the appropriate supporting schedule. In line 28a, enter the total of all line a entries from lines 11a through 27a. This is the total amount of credits available for current year use which are subject to the 50% limitation of excise rule. If not used in 2004, unused credits can be carried forward for future use.

### Line b

In lines 11b through 27b, enter in each line b the amount being used as a credit to offset the 2004 excise. Credits should be used in the order listed to prevent unnecessary lapsing of credits. Schedule H is designed to give priority to credits which expire first.

Starting with line 11a, complete all line a entries until line 27a is reached. Transfer any amount (or part of) each line a entry which is being used to reduce the 2004 excise into line b. Continue until all available credits are used or until the total amount transferred into line b equals the amount in line 10, whichever occurs first.

Enter the amount from line 11b in line 8 of the excise calculation.

Enter the amount from line 15b in line 7 of the excise calculation.

Enter the amount from line 26b in line 6 of the excise calculation.

Add lines 12b, 13b, 14b, 16b through 25b, and 27b. Enter the result in line 9 of the excise calculation.

### Line c

Complete line c of lines 11 through 28 only if the amount in 28a is greater than the amount in line 10. Subtract the amount in line b from line a, lines 11 through 27, and enter the differences, if any, in line c.

### Line d

Starting with line 11c, work downward until line 27c is reached. Transfer any amount (or part of) line c to line d of each line until all unused credits have been transferred, or the amount in line d equals the amount in line 29. Then transfer the amount in line 27c to 27d.

### Line e

Enter in lines 13 through 15, line e, any investment tax credit from the appropriate year, subject to the 3 year limitations.

Enter in lines 17 through 26, line e, any Economic Opportunity Area credit from the appropriate year, subject to 10-year limitations.

## Excise Calculation

The excise calculation schedule is used to calculate the various measures of the Massachusetts corporation excise. These are:

- a tax of \$2.60 per \$1,000 on taxable Massachusetts tangible property or taxable net worth, whichever applies. If the return is for a short taxable year, the tangible property or taxable net worth should be prorated; and

- a tax of 9.5% on income attributable to Massachusetts.

The law also provides for a minimum excise of \$456.

### Line 3

Enter the amount from Schedule E, line 25, if you had taxable income (a positive number). If the amount in Schedule E, line 25 is a loss, enter "0."

### Line 9

Add the amounts from Schedule H, lines 12b, 13b, 14b, 16b through 25b, and 27b and enter the result. See Schedule H instructions for more information.

### Line 15

Enter the total of lines 6 through 14. The sum of the credits listed in lines 6 through 9 and line 13 in any one taxable year is limited to 50% of the corporate excise. Unapplied credits may be carried forward. There is no carryback. Complete Schedule H to calculate the amount of each credit that may be used currently and the amounts that may be carried forward.

### Line 19

Any corporation that wishes to contribute any amount to the Natural Heritage and Endangered Species Fund may do so on this form. This amount is added to the excise due. It increases the amount of the corporation's payment or reduces the amount of its refund.

### Lines 28 and 29

The following penalties apply:

#### Penalty for underpayment of estimated tax

An additional charge may be imposed on corporations which underpay their estimated taxes or fail to pay estimated taxes. Form M-2220, Under-

payment of Massachusetts Estimated Tax by Corporations, should be used to compute any underpayment penalty.

#### Penalty for failure to file

The penalty for failure to file a tax return by the due date is 1% of the tax due per month (or fraction thereof), up to a maximum of 25%.

#### Penalty for late payment

The penalty for failure to pay the total payment due with this form is ½% of the tax due per month (or fraction thereof), up to a maximum of 25%.

Any corporation which fails to pay its tax when due will be subject to interest charges.

### Line 30

Enter the total payment due. Checks for this amount should be made payable to the Commonwealth of Massachusetts. Checks should have the corporation's federal identification number written in the lower left corner.

### Privacy Act Notice

Under the authority of 42 U.S.C. sec. 405(c)(2)(c)(i) and M.G.L. c.62C, sec.5, the Department of Revenue has the right to require an individual to furnish his or her Social Security number on a state tax return. This information is mandatory. The Department of Revenue uses Social Security numbers for taxpayer identification to assist in the processing and keeping track of returns and in determining and collecting the proper amount of tax due. Under M.G.L. c.62, sec. 40, the taxpayer's identifying number is required to process a refund of overpaid taxes. Although tax return information is generally confidential pursuant to M.G.L. c.62, sec. 21, the Department of Revenue may disclose return information to other taxing authorities and those entities specified in M.G.L. c 62, secs. 21, 22 or 23, and as otherwise authorized by law.

### Signature

When the form is complete, it must be signed by the treasurer or assistant treasurer or, in their absence or incapacity, by any other principal corporate officer. The social security number of the signing officer should be entered next to the date the return was signed. If you are filing as an authorized delegate of the appropriate corporate officer, check the box in the signature section and enclose a copy of Massachusetts Form M-2848, Power of Attorney. The form must also be signed by any paid preparer of the form. The form should be mailed to: **Massachusetts Department of Revenue, PO Box 7005, Boston, MA 02204.**







# Department of Revenue Resources

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## What kind of help is available

The instructions in the Department of Revenue's tax forms should provide answers to most taxpayer questions. If you have questions about completing your Massachusetts tax form, you can call us at (617) 887-MDOR or toll-free in Massachusetts at 1-800-392-6089 Monday through Friday, between 8:45 a.m. and 5:00 p.m. DOR's website at [www.mass.gov/dor](http://www.mass.gov/dor) is also a valuable resource for tax information 24 hours a day. Thousands of taxpayers use DOR's website to e-mail and receive prompt answers to their general tax inquiries. Interactive applications that allow taxpayers to check the status of their refunds and review their quarterly estimated tax payment histories are available through our website or by calling our main information lines listed above.

## Where to get forms and publications

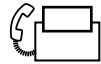


To obtain Massachusetts forms and publications by phone, call the Department's main information lines at (617) 887-MDOR or toll-free in Massachusetts at 1-800-392-6089.

Please note that many forms and publications are available 24 hours a day by calling the Department's automated forms request system at the numbers listed above.



Many Massachusetts tax forms and publications are available via the DOR website. The address for the Department's website is [www.mass.gov/dor](http://www.mass.gov/dor).



Certain forms and publications can be obtained through DOR's Fax on Demand system. For a complete Fax on Demand menu, please call (617) 887-1900 using the handset and the keypad on your fax machine.

## For general tax information

**Please call (617) 887-MDOR or toll-free in Massachusetts 1-800-392-6089. These main information lines can provide assistance with the following:**

- ▶ abatements
- ▶ bills and payments
- ▶ business registration
- ▶ business taxes
- ▶ corporate excise
- ▶ corporate trusts
- ▶ estate taxes
- ▶ estimated taxes
- ▶ fiduciary taxes
- ▶ nonresident information
- ▶ partnerships
- ▶ personal income taxes
- ▶ refunds
- ▶ withholding

## For help in one of the following specific areas

**Please call the number listed below.**

- ▶ Certificates of Good Standing (617) 887-6550
- ▶ Teletype (TTY) (617) 887-6140
- ▶ Vision-impaired taxpayers can contact any DOR office listed on this page to receive assistance.
- ▶ Upon request, this publication is available in an alternative format. Please send your request to: Office of Affirmative Action, PO Box 9550, Boston, MA 02114-9550 or call (617) 626-3410.
- ▶ Installment sales (617) 887-6950
- ▶ Small Business Workshop (617) 887-5660

To report allegations of suspected misconduct or impropriety involving Department of Revenue employees, please call the Inspectional Services Division's Integrity Hot Line at 1-800-568-0085 or write to PO Box 9568, Boston, MA 02114-9568.

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**Massachusetts**

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**Department of**

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**Revenue**

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PO Box 7011

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Boston, MA 02204

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## Dear Taxpayer,

The Massachusetts Department of Revenue (DOR), along with other state tax departments and the Internal Revenue Service, have been encouraging taxpayers to file returns electronically for the past several years. During last year's personal income tax filing season, DOR processed more than one million electronic returns. The result was one of the smoothest and most efficient filing seasons ever. E-filing is a proven alternative, and DOR is committed to using technology to make filing easier and more accurate for all taxpayers.

This year, corporations with more than \$100,000 in gross income, sales or receipts must file and pay electronically. As a result, we are distributing a third of the corporate tax booklets that we have in the past. DOR has been working in conjunction with vendors who provide corporate tax software to ensure that you have a simple and convenient program through which to comply with this mandate. If your corporation is below the mandatory threshold, we ask that you try e-filing or use forms with 2-Dimensional bar coding. Please visit our website, [www.mass.gov/dor](http://www.mass.gov/dor), to learn more about our electronic filing requirements.

This year, we are also enhancing our online assistance. You may be aware of our WebFile for Business (WFB) program, which allows businesses to file and pay trustee taxes, and report wage and new hire information online. WFB is easy to use, secure and convenient. In addition, you can use our website to file an abatement/amended return and obtain an online Certificate of Good Standing. Our website has become an indispensable tool for taxpayers and tax professionals. There is a wealth of information available, and it's only a click away.

For additional information or assistance, please visit our website or call our Customer Service Bureau at (617) 887-MDOR or toll-free in Massachusetts at (800) 392-6089.

Sincerely,

A handwritten signature in black ink that reads "Alan LeBovidge". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Alan LeBovidge  
Commissioner